

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	DISMISSAL AND
MUR 6352)	CASE CLOSURE UNDER THE
ROBERT J. DOLD, JR.)	ENFORCEMENT PRIORITY
DOLD FOR CONGRESS AND JEFFREY)	SYSTEM
GEORGE BENNETT AS TREASURER)	

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System (“EPS”), the Commission uses formal scoring criteria to allocate its resources and decide which cases to pursue. These criteria include, but are not limited to, an assessment of (1) the gravity of the alleged violation, both with respect to the type of activity and the amount in violation, (2) the apparent impact the alleged violation may have had on the electoral process, (3) the legal complexity of issues raised in the case, (4) recent trends in potential violations of the Act, and (5) development of the law with respect to certain subject matters. It is the Commission’s policy that pursuing low-rated matters, compared to other higher-rated matters on the Enforcement docket, warrants the exercise of its prosecutorial discretion to dismiss certain cases. The Office of General Counsel has scored MUR 6352 as a low-rated matter and has also determined that it should not be referred to the Alternative Dispute Resolution Office. This Office therefore recommends that the Commission exercise its prosecutorial discretion to dismiss MUR 6352.

In this matter, complainant Mary Stowell alleges that Robert J. Dold, Jr., and Dold for Congress and Jeffrey George Bennett, in his official capacity as treasurer (“the Committee”), violated various provisions of the Federal Election Campaign Act, as amended (“the Act”), by failing to disclose the costs associated with a campaign-sponsored bus tour.

The complainant notes, that beginning on June 16, 2010, Mr. Dold launched a bus tour of the 10th Congressional District in Illinois, where he was seeking election. The complainant

1 alleges that Mr. Dold and his Committee did not disclose the costs associated with the bus tour
2 on the Committee's July 2010 Quarterly Report. The complainant states that the failure to
3 disclose the costs must have been intentional because the Committee properly disclosed the
4 costs of a similar bus tour taken before the February 2010 primary election on its 2010 April
5 Quarterly Report. In support of her allegations, the complainant attached news articles,
6 Mr. Dold's Facebook status updates showing various stages of the bus tour, and the relevant
7 page from the April 2010 Quarterly Report showing the Committee's payment for the
8 February bus tour.

9 Mr. Dold and the Committee responded that they received an invoice from Nahigian
10 Strategies LLC ("Nahigian Strategies") for the June bus tour expenses on July 1, 2010, and
11 paid the bill on July 13, 2010. The Committee further stated that it would report the
12 disbursement on its third (October) Quarterly Report. The bill for the June bus tour was
13 \$11,002.85. Mr. Dold and the Committee maintain that because the invoice was received after
14 the close of the reporting period for the second (July) Quarterly Report, it was not required to
15 be reported as a debt on that report. They also state, that in accordance with the consulting
16 services arrangement with Nahigian Strategies, the firm was invoicing them on a monthly
17 basis.

18 The Commission's regulations require that debts over \$500 must be reported when
19 they are incurred. 11 C.F.R. § 104.11(b); *see also* 2 U.S.C. § 434(b)(8). If the exact amount
20 of a debt or obligation is not known, the report shall state that the amount reported is an
21 estimate and then amend the report, if necessary. *Id.* This Report does not opine on
22 respondents' interpretation of section 104.11(b).

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1 In light of the relatively low dollar amount at issue, coupled with the fact that the
2 Committee reported the disbursement for the bus tour on its subsequent disclosure report,
3 under EPS, the Commission has scored MUR 6352 as a low-rated matter. Therefore, in
4 furtherance of the Commission's priorities as discussed above, the Office of General Counsel
5 believes that the Commission should exercise its prosecutorial discretion and dismiss the
6 matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985). Additionally, this Office recommends
7 that the Commission remind Dold for Congress and Jeffrey George Bennett, in his official
8 capacity as treasurer, of the requirements under 2 U.S.C. § 434(b)(8) and 11 C.F.R.
9 § 104.11(b) concerning the timely reporting of campaign debts.


10 **RECOMMENDATIONS**

11 The Office of General Counsel recommends that the Commission dismiss MUR 6352,
12 close the file, and approve the appropriate letters. Additionally, this Office recommends that
13 the Commission remind Dold for Congress and Jeffrey George Bennett, in his official capacity
14 as treasurer, of the requirements under 2 U.S.C. § 434(b)(8) and 11 C.F.R. § 104.11(b)
15 concerning the timely reporting of campaign debts.

16 Christopher Hughey
17 Acting General Counsel
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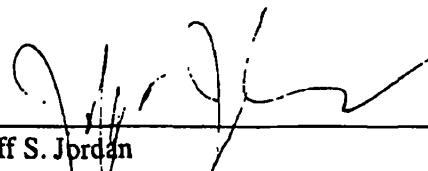
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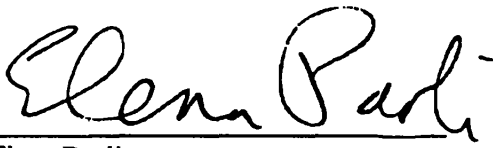
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